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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,686	05/23/2007	Robert James Paech	11774-00002	3086
21918 7590 01/09/2008 DOWNS RACHLIN MARTIN PLLC 199 MAIN STREET P O BOX 190 BURLINGTON, VT 05402-0190			EXAMINER GEBREMICHAEL, BRUK A	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,686

Applicant(s)

PAECH ET AL.

Examiner

Bruk A. Gebremichael

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/06/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being unpatentable over Rai 6,077,080. Rai discloses the following claimed limitations,

Regarding claim 1, a method of encoding words for language teaching comprising the steps of identifying a plurality of different vowel sounds, representing each different vowel sound and the letters forming the vowel sound by a first indicia and a second indicia, storing the different first and second indicias for each vowel sound (FIG 1 and col.2, lines 56-65), identifying a plurality of different consonant sounds, representing each consonant sound by a third indicia and a selection of consonant sounds by a fourth indicia, storing the third and fourth indicia for each consonant sound (col.4, lines 13-20), identifying a plurality of different silent letters occurring in words, representing each silent letter by a fifth indicia and storing the fifth indicias for each silent letter whereby a word is represented by a combination of the first to fifth indicia (col.6, lines 16-22),

Regarding claim 2, the selection of consonant sounds comprises consonant diagraphs (see FIG 3),

Regarding claims 3 and 4, the first indicia comprises a number, and the second indicia comprises a color (FIG 1 and col.2, lines 61-65),

Regarding claim 5, the second indicia comprises a single color (FIG 9),

Regarding claims 6 and 7, the third indicia comprises a color, and the third indicia comprises a single color (col.2, lines 8-11),

Regarding claims 8 and 9, the fourth indicia comprises an underscore located underneath consonant diagraphs, and the fourth indicia comprises a symbol (FIG 3 and col.4, lines 16-20),

Regarding claim 10, the fifth indicia comprises a single color (col.6, lines 16-22),

Regarding claims 11 and 12, a word is represented by a combination of letters and indicia, and the letters are represented by a color indicative of the second, fourth or fifth indicia by which they are represented (FIG 14 and col.7, lines 43-50),

Regarding claims 13 and 14, representing a group of consonant sounds by a sixth indicia and storing the sixth indicia for each consonant sound represented (col.4, lines 14-20), the sixth indicia comprises a notation indicative of the pronunciation of the consonant sound (col.4, lines 20-28),

Regarding claim 15, a system for teaching a language comprising a database (col.7, lines 57-63) which stores a plurality of different vowel sounds, with each vowel sound and its composing letters represented by a first indicia and a second indicia (FIG 1 and col.2, lines 56-65), a plurality of different consonant sounds, with each consonant sound represented by a third indicia and a selection of consonant sounds by a fourth indicia (col.4, lines 13-20), a plurality of different silent letters occurring in words, with each silent letter represented by a fifth indicia, and a plurality of different words (col.6, lines 16-22), a conversion means which converts each word into a converted form comprising the indicia (col.7, lines 42-49), and a display means which displays a word in converted form (FIG 14), and wherein the conversion means is adapted to convert a word input into the system and utilize the display means to display the word in converted form (col.7, lines 35-40 and FIG 13),

Regarding claim 16, a method of displaying words for language teaching, comprising the steps of identifying a word, encoding the word into a plurality of indicia components and displaying the encoded word comprising indicia components (col.1, lines 62-65 and col.6,

lines 55-62), wherein the plurality of indicia comprise a first and second indicia representing different vowel sounds and their composing letters (FIG 1 and col.2, lines 56-65) third indicia representing different consonant sounds, fourth indicia representing a selection of consonant sounds (see col.4, lines 13-20) and fifth indicia representing different silent letters occurring in words (col.6, lines 16-22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai 6,077,080 in view of Patton 2005/0032027.

Regarding claims 19 and 21, Rai teaches the claimed limitations as discussed above. However, Rai does not explicitly teach, searching for words including at least one of the indicia, vowel sounds, consonants, consonant diagraphs, silent letters.

Patton discloses a system/method for creating coded text, which teaches the limitation, searching for words including at least one of the indicia, vowel sounds, consonants, consonant diagraphs, silent letters (Abstract, lines 11-14 and FIG 2, label 32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Rai in view of Patton by incorporating a searching module in order to easily search and identify the words that are in a given text

and convert the texts in to their color coded form thereby allowing the user to recognize their representations.

Claims 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai 6,077,080 in view of McGinley 4,030,211.

Regarding claims 17 and 18, Rai discloses the claimed limitations as discussed above.

However, Rai does not teach the following claimed limitations, displaying a matrix with sounds of one type along one axis and sounds of another type along another, and displaying a composite of sounds from each axis by a zone corresponding to a point of intersection of the sounds on the grid.

McGinley teaches, displaying a matrix with sounds of one type along one axis and sounds of another type along another (col.4, lines 29-40), and displaying a composite of sounds from each axis by a zone corresponding to a point of intersection of the sounds on the grid (FIG 1, label 16 and also col.3, lines 48-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Rai in view of McGinley by including a rectangular grid in Rai's invention in order to enable the user to immediately focus on a word which is sounded by the consonant and vowel sound at the end of the respective line and column, as taught by McGinley (col.4, lines 40-43).

Regarding claim 20, Rai discloses the claimed limitations as discussed above.

Rai does not teach, displaying a matrix with sounds of one type along one axis and sounds of another type along another.

Art Unit: 3714

McGinley teaches, displaying a matrix with sounds of one type along one axis and sounds of another type along another (col.4, lines 29-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Rai in view of McGinley by including a rectangular grid in Rai's invention in order to enable the user to immediately focus on a word which is sounded by the consonant and vowel sound at the end of the respective line and column, as taught by McGinley (col.4, lines 40-43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571)270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



B.G.
01/07/2008.



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SUPERVISORY PATENT EXAMINER